

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

ACUITY, A MUTUAL INSURANCE  
COMPANY,

Plaintiff,

v.

MCCOY EXCAVATION, LLC,  
CHRISTIAN MCCOY, PETRA, INC.,

Defendants.

Cause No. CV-22-50-B-BMM

**JUDGMENT IN A CIVIL CASE**

This action came before the Court on a Motion for Summary Judgment (Doc. 6) filed by Plaintiff Acuity, a Mutual Insurance Company. After a hearing on November 10, 2022 (Doc. 15), the Court granted Acuity's Motion for Summary judgment in full by Order dated November 14, 2022. Doc. 16.

Plaintiff having moved for entry of judgment by separate document as provided by Fed.R.Civ.P. 58(a) and (d), IT IS ORDERED AND ADJUDGED Judgment is entered in favor of Plaintiff Acuity, a Mutual Insurance Company, and against Defendants McCoy Excavation, LLC, Christian McCoy, and Petra, Inc. as follows:

- Acuity, a Mutual Insurance Company has no obligation to defend or indemnify McCoy Excavation, LLC and Christian McCoy against the claims alleged against them by Petra, Inc.; and

- Acuity, a Mutual Insurance Company, is entitled to recoup from Defendants McCoy Excavation, LLC and Christian McCoy all sums expended in the defense of Defendants McCoy Excavation, LLC, Christian McCoy, including attorneys' fees and costs, since July 5, 2022.

DATED this 28th day of November, 2022.



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Brian Morris, Chief District Judge  
United States District Court